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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/445,523

12/07/1999

TSUYOSHI MAEDA

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1024

7590

12/23/2003

HARNES DICKY & PIERCE  
PO BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/445,523

Applicant(s)

MAEDA ET AL.

Examiner

Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-26 is/are pending in the application.
- 4a) Of the above claim(s) 4-10, 17 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 14-16, 18-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2003.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Applicant's election of species A (claims 1-3) in Paper dated 09/08/2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). In addition, claim 22 also drawn to the species B; therefore, claim 22 would be withdrawn from consideration.

Accordingly, claims 1-3, 14-16, 18-21 and 23-26 are now pending in the application.

2. Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new grounds of rejection, as follow:

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuyoshi et al., US Patent No. 5,667,853.

The above claims are anticipated by Fukuyoshi et al. figures 1-3 which disclose a liquid crystal display (LCD) device comprising:

- . first and second substrates (31, 41);
- . a plurality of reflective films (layer 11 in element 42);
- . a plurality of transparent electrodes (layer 13 in element 42) formed directly on the reflective films.
- . a liquid crystal layer (LC);
- . a color filter (CF) opposing the transparent electrodes.

5. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kurata, US Patent No. 6,552,765.

The above claims are anticipated by Kurata's figures 2 which disclose an LCD device comprising:

- . first and second substrates (21, 27);
- . a plurality of reflective films (22);
- . a plurality of transparent electrodes (23) formed directly on the reflective films.
- . a liquid crystal layer (25);
- . a color filter (24) formed on the transparent electrodes.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata, US Patent No. 6,552,765, in view of Kanbe US Patent No. 4,682,858.

Regarding claim 8, Kurata discloses the claimed invention as described in paragraph 5 except for a plurality of switching elements. Kanbe et al. do disclose that an LCD device can be formed as a passive matrix electrode structure (e.g., the Kurata's device) or an active matrix electrode structure (i.e., structure having an image signal lines and switching elements, namely thin film transistors) (see col. 1, lines 40-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kurata's LCD device as an active matrix LCD device as shown by Kanbe et al. in order to avoid crosstalk occurs in the passive matrix LCD device (col. 1, ln. 49).

8. Claims 19, 21, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata, US Patent No. 6,552,765, in view of Flynn, US Patent No. 5,815,228.

Regarding the above claims, Kurata discloses the claimed invention as described above except for a transfective films and an illuminating apparatus. Flynn does disclose a transfective film (33) can be formed instead of a reflective film (32) as shown in figures 3B and 3C as well as an illuminating apparatus (light source 34) in an LCD device. Therefore, it would have been

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obvious to one skilled in the art at the time of the invention was made to form the Kurata's device having a transfective film instead of a reflective film as shown by Flynn in order to obtain an LCD device being operated in hybrid mode (i.e., transmissive and reflective modes) (see paragraph bridging col. 1 and col. 2).

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata, US Patent No. 6,552,765, in view of Flynn, US Patent No. 5,815,228, further in view of Motomura et al., US Patent No. 6,456,347.

Regarding claim 20, the modification Kurata discloses the claimed invention as described above except for a polarizer and a retardation film. Motomura et al. do disclose an LCD device having a polarizer film (15) stacked on an outer side of a substrate and a retardation film therebetween (14) (see figure 3). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to employ a polarizer film and a retardation film in an LCD device as shown by Motomura et al. in order to improve a display performance in an LCD device (col. 2, lines 39-42).

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata, US Patent No. 6,552,765, in view of Flynn, US Patent No. 5,815,228, further in view of Kanbe US Patent No. 4,682,858.

Regarding claim 23, the modification to Kurata discloses the claimed invention as described in paragraph 5 except for a plurality of switching elements. Kanbe et al. do disclose that an LCD device can be formed as a passive matrix electrode structure (e.g., the Kurata's device) or an active matrix electrode structure (i.e., structure having an image signal lines and switching elements, namely thin film transistors) (see col. 1, lines 40-43). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kurata's LCD device as an active matrix LCD device as shown by Kanbe et al. in order to avoid crosstalk occurs in the passive matrix LCD device (col. 1, ln. 49).

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 703-305-0423. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

DN

12/15/2003



**Dung Nguyen**  
**Patent Examiner**  
**Art Unit 2871**